

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

)
Amendment of Section 25.131 of
of the Commission's Rules and)
Regulations to Eliminate the Licensing)
Requirement for Certain International)
Receive-Only Earth Stations)

CC Docket No. 93-23
RM-7931

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF PANAMSAT, L.P.

PanAmSat, L.P. ("PanAmSat") hereby files comments in response to the Commission's Notice of Proposed Rulemaking in this proceeding, FCC 93-89 (Mar. 8, 1993) ("NPRM").

The NPRM proposes to eliminate the licensing requirement for international receive-only earth stations in the fixed-satellite service, with the exception of "satellite terminal stations." PanAmSat supports this proposal as it applies to earth stations that do not communicate with Intelsat satellites. For reasons that are stated below, however, the proposal as it applies to earth stations that do communicate with Intelsat satellites should be addressed only in the context of a more comprehensive proceeding.

I. DISCUSSION

On May 12, 1992, PanAmSat filed a Petition requesting that the Commission address issues concerning Comsat comprehensively in a new or reopened Comsat Structure proceeding. See CC Docket No. 80-634. The instant proceeding is but one of a number of pending and recently-concluded proceedings that implicate fundamental Comsat-related issues that should be addressed in the context of the omnibus proceeding that PanAmSat has requested.

The Commission recently granted Comsat a broad waiver authorizing it to provide "value-added" maritime services without observing structural separation requirements. FCC 93-79 (March 2, 1993). The waiver is subject to the requirement that Comsat propose, and the Common Carrier Bureau approve, additional accounting safeguards for segregating Comsat's jurisdictional and non-jurisdictional expenses. Id. Comsat already is providing SeaMail service to its customers on a non-separated basis,

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and has been granted special temporary authority to provide maritime cellular resale on a non-separated basis. See, e.g., TAO-1806 (Mar. 26, 1991); TAO-2036 (Apr. 6, 1992); TAO-2060 (May 12, 1992).

Comsat also has requested permission to use "price caps" for its switched voice services, see RM No. 7913,¹ and has been given a partial waiver of the rule requiring licenses for international receive-only earth stations, see File Nos. ISP-92-004, ISP-92-007. Comsat also has asked the Commission to substitute market forces for the requirement, set forth in Section 201(c)(8) of the Communications Satellite Act, that the Commission determine whether Comsat's capitalization is consistent with the public interest. See letter, dated March 31, 1988, from Warren Y. Zeger (Comsat) to Richard M. Firestone (FCC).

In addition, the Commission has granted a request filed by Brightstar Communications, Ltd., for a declaratory ruling to the effect that private carriers may operate earth stations communicating with Intelsat satellites, even if such earth stations transmit the messages of third parties. FCC 93-93 (March 5, 1993). And Comsat's tariff transmittals increasingly are characterized by departures from traditional common carrier ratemaking procedures, based on invocation of perceived or actual competition

II. CONCLUSION

For the reasons stated herein, the Commission should: (1) eliminate the licensing requirement for international receive-only earth stations in the fixed satellite service that do communicate with Intelsat satellites; and (2) address the issue of licensing for receive-only earth stations that do not communicate with Intelsat satellites in the context